

Amendment No. 1 to SB2248

McNally
Signature of Sponsor

AMEND Senate Bill No. 2248

House Bill No. 2386*

by deleting the word "board" in the amendatory language of subdivision (a)(2) of SECTION 36 of the printed bill, and by substituting instead the word "department".

AND FURTHER AMEND by deleting SECTIONS 44, 45, and 46 from the printed bill, and by renumbering the remaining sections accordingly.

AND FURTHER AMEND by adding the following new, appropriately designated sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 40-35-503, is amended by deleting the language "board of paroles" wherever it appears and by substituting instead the language "board of parole".

SECTION _____. Tennessee Code Annotated, Section 40-35-504, is amended by deleting the section in its entirety and by substituting instead the following:

40-35-504.

(a) When the board of parole determines that an eligible inmate should be granted parole, the inmate may be placed on supervised parole under the prescribed conditions and in accordance with § 40-28-118. If it is determined that an eligible inmate should not be granted parole, the board shall thereupon inform the inmate, in writing, of the date the inmate will be reconsidered for parole.

(b) A defendant convicted of a felony who has been admitted to parole shall be supervised by the department of correction and shall make periodic reports to an assigned parole officer for not less than one (1) year. Thereafter, the defendant may be relieved from making any further periodic reports if the parole officer, with the consent of the director of probation and parole, determines that:

(1) The defendant has abided by the terms of parole in a satisfactory manner;

(2) There is a reasonable likelihood that the defendant will remain at liberty without violating the law; and

(3) Relief from further periodic reporting is not incompatible with the welfare of society.

(c) A defendant relieved from reporting shall still be considered to be within the jurisdiction of the board and the department of correction or the local jail or workhouse authorities and shall be subject to termination of parole status for the remainder of the sentence originally imposed. The board may reinstitute required periodic reporting at any time.

(d) A defendant who violates the terms of parole is subject to the terms of §§ 40-28-120 -- 40-28-123, which shall govern the termination of parole.

(e) If a defendant who has been placed on parole is convicted of a felony committed while on parole, the board, in its discretion, may revoke the defendant's parole and require the defendant to serve the remainder of the sentence originally imposed, or a portion of the original sentence as the board may determine, before the defendant begins serving the sentence for the crime committed while on parole.

(f) Upon revocation of supervised or unsupervised parole by the board under subsection (d) or (e), the time a defendant spent on parole shall not be considered as service of the sentence unless the board determines to grant all or part of the time to the defendant.

SECTION _____. Tennessee Code Annotated, Section 40-39-202, is amended by deleting subdivision (1) in its entirety and by renumbering the remaining subdivisions accordingly.

SECTION _____. Tennessee Code Annotated, Section 40-39-204(a), is amended by deleting the language "private contractors with TDOC and the board" and by substituting instead the language "and private contractors with TDOC".

SECTION _____. Tennessee Code Annotated, Section 40-39-205(c)(1)(A), is amended by deleting the language "the board" and by substituting instead the language "the department of correction".